

Date: Fri, 8 Jan 93 04:30:33 PST  
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>  
Errors-To: Ham-Policy-Errors@UCSD.Edu  
Reply-To: Ham-Policy@UCSD.Edu  
Precedence: Bulk  
Subject: Ham-Policy Digest V93 #8  
To: Ham-Policy

Ham-Policy Digest                      Fri, 8 Jan 93                      Volume 93 : Issue                      8

Today's Topics:

                    Closed Repeaters.  
                    Commercial radios on ham bands  
                    user brandt@inlatlas.den.mmc.com

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>  
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>  
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available  
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text  
herein consists of personal comments and does not represent the official  
policies or positions of any party. Your mileage may vary. So there.  
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Date: 7 Jan 1993 16:54:44 GMT  
From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU  
Subject: Closed Repeaters.  
To: ham-policy@ucsd.edu

In article <C0GrGH.EL8@iat.holonet.net> bwilkins@iat.holonet.net (Bob Wilkins  
n6fri) writes:

>Several years ago a Florida coordinating council decided that there would  
>be no more closed repeaters on 2meters as the band was full. Those  
>repeaters that did not operate in the "open" mode were subject to having  
>to share with an active open repeater. A closed repeater group that had to  
>share took their case of harmful interference to the commission. The  
>closed repeater won its case. The florida coordinating council had to find  
>an other pair for the new open repeater.

The coordinator lucked out. The closed repeater's owner could have taken it to  
court, and would likely have won big time; the coordinator, win or lose, would  
have had to pay big bucks for legal expenses and would have had to deal with a  
major hassle...

>Just what is the difference between open and closed repeaters anyway?  
>I have heard more closed minds on open repeaters than closed repeaters.

There sure are a lot of closed minds in this discussion...

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can  
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"Science is all in the public domain, and allows few secrets."

-- Tom Clancy, \_The Sum of All Fears\_

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Date: Thu, 07 Jan 93 09:15:10 CST

From: usc!zaphod.mps.ohio-state.edu!caen!spool.mu.edu!umn.edu!kksys.com!edgar!  
brainiac!moron!pillolock!stevej@network.UCSD.EDU

Subject: Commercial radios on ham bands

To: ham-policy@ucsd.edu

gary@ke4zv.uucp (Gary Coffman) writes:

> >An email conversation with another net-ham pointed out to me that it is  
> >illegal to have a land-mobile radio programmed with both amateur and  
> >non amateur (ie: business band, public safety, etc) frequencies, even  
> >if the user is licensed for both, unless the radio owner made provisions  
> >in his land-mobile license to include the amateur frequencies. This would  
> >make it rather difficult to comply with the law, as ham frequencies change  
> >frequently depending on the repeater the ham wanted to access (or simplex,  
> >or whatever). Anyone want to provide input on this?

>

> Modifying a land mobile radio to operate on frequencies outside the land  
> mobile service voids the Type Acceptance of the radio. Thus it would be  
> legal to use on the ham bands where Type Acceptance isn't required, but  
> would now be illegal to use on the original land mobile channels.

>

> Gary KE4ZV

>

However, programming freqs. and changing crystal elements has never been  
considered a modification of the type accepted radio. If the capability was  
there at the time of the type acceptance then it can be used with out  
stepping outside the bounds of the type acceptance.

(if done by an approved maintaince facility)

There are still several type accepted radios on the market that meet these  
requirements. They are:

1. Motorola Radius series
2. Uniden
3. TAD COM

The law pertains to cross communication between dissimilar services which is not allowed (ie. direct linkup of dissimilar services through a remote base and duplex communication). Of course in an emergency the rules change.

Steve KA0VYB

-----  
Date: 7 Jan 93 15:15:30 GMT  
From: news-mail-gateway@ucsd.edu  
Subject: user brandt@inlatlas.den.mmc.com  
To: ham-policy@ucsd.edu

unsubscribe Ham-Policy brandt@inlatlas.den.mmc.com

--

x+++++++x  
x David Rageth x  
x Internet : dave@netmgr.mmc.com x  
x voice : (303)977-4584 x  
x fax : (303) 977-2765 x  
x USMail : Martin Marietta x  
x P.O. Box 179 m/s 1084 x  
x Denver, Colorado x  
x 80201 x  
x+++++++x

-----  
Date: Thu, 7 Jan 1993 13:09:56 GMT  
From: usc!cs.utexas.edu!zaphod.mps.ohio-state.edu!menudo.uh.edu!sugar!  
jreese@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <1993Jan5.165651.28417@elroy.jpl.nasa.gov>, <8333@lib.tmc.edu>,  
<1993Jan5.231300.22346@ke4zv.uucp>  
Subject : Re: Closed repeaters

In article <1993Jan5.231300.22346@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)  
writes:

>Sorry, coordinators have no legal right to make this promise to keep  
>everyone else away.

You are correct. That's the catch 22 in the situation.

Several years ago, there was a movement by many frequency coordination  
groups which sought to "legitimize" the frequency coordination process in  
the amateur radio service.

Specifically what was discussed was whether there was a need for a national or regional "overseer" for coordination groups. This overseer would act as a mediator in cases of dispute between coordination groups and to set some reasonable guidelines for coordination groups to follow.

Unfortunately, this movement was opposed by the ARRL and others who argued that they didn't want the liability of choosing who got to be the "recognized" frequency coordination group in a given area.

Because the frequency coordination process is so localized, and because the local groups don't communicate with each other, they have no widespread acceptance. Therefore, they aren't "legitimate".

The FCC does recognize frequency coordination. They don't, however, recognize who does the coordinating. Therefore, if I wanted to form a group of 20 trustees in Houston, call them the "Houston Area Frequency Coordinating Council" and issue repeater coordinations to anyone and everyone, I could... and the FCC would respond to my coordinations just like they do the ones from the Texas VHF-FM Society.

Until the coordination groups decide to cooperate and communicate, the process will never be "legitimate".

It's unfortunate for the repeater trustee, who just wants to operate his radio, that this political situation occurs. Many times the frequency crunch didn't hit until many years after the repeater went on the air.

It's just like transmitting simplex on somebody's input frequency...it's legal to put on a un-coordinated repeater...it's just pretty rude.

--

Jim Reese, WD5IYT	"Real Texans never refer to trouble
jreese@sugar.neosoft.com	as deep doo-doo" --Molly Ivins

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Date: Thu, 7 Jan 1993 13:24:51 GMT

From: usc!howland.reston.ans.net!zaphod.mps.ohio-state.edu!menudo.uh.edu!sugar!  
jreese@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1993Jan5.171347.2389@porthos.cc.bellcore.com>, <8334@lib.tmc.edu>,  
<1993Jan6.003309.21734@elroy.jpl.nasa.gov>

Subject : Re: Closed repeaters

In article <1993Jan6.003309.21734@elroy.jpl.nasa.gov> laborde@oak.Jpl.Nasa.Gov  
(Gregory R. LaBorde) writes:

>The fact is, even here in LA where the UHF/VHF is arguably the most crowded in  
>the world, I have no problem making the contacts I want to on open repeaters.  
>Many "private" repeaters here are "friendly" and welcome users as long as they  
>do not abuse the system. Other friends of mine with closed systems are happy to  
>let me use them, since when I do so it is usually to contact them anyway. Closed  
>systems like Cactus are in heavy use, so I have no complaints that they are  
>closed. Hey, if I want to use such sophisticated hardware, why shouldn't I  
>contribute to its upkeep and expansion?

This is the only thing I ask. Be considerate of the repeater owner. If more people had this attitude, there would be no problem...Thank you.

>There are, unfortunately, a large number  
>of closed systems in LA that are not utilized. These systems seem to exist  
>solely as security blankets for their owners/users who get a sense of safety  
>from knowing that they would not have to wait to use the machine if they wanted  
>to. Not that they seem to ever want to.

You're right, and it is unfortunate. This is the part that makes the frequency coordinator's job such a pain in the behind.

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Jim Reese, WD5IYT	"Real Texans never refer to trouble
jreese@sugar.neosoft.com	as deep doo-doo" --Molly Ivins

-----  
Date: 7 Jan 1993 17:08:20 GMT  
From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <POPOVICH.93Jan5220506@morningside.cs.columbia.edu>,  
<8356@lib.tmc.edu>, <a6yr=5-@dixie.com>  
Subject : Re: Closed repeaters

In article <a6yr=5-@dixie.com> jgd@dixie.com (John De Armond) writes:  
>No you're not. You built your freeway at your own expense on PUBLIC  
>property and then you whined when the public decided the land had  
>better uses. You, of course, knew the ground rules going in and therefore  
>have no basis for complaint. Other than you just bitch a lot.

The problem is that they're demanding that I leave the freeway behind when I leave. I put all this work in to it, and in return you tell me to go away and leave my hard work behind? I think not.

>Same with repeaters on the amateur bands, Jay. You can build an

>electronic castle on top of the publicly owned sand foundation if  
>you like. Just don't be surprised when the public washes that  
>foundation away one day.

When the armed mob comes to my door demanding that I go away and let them loot  
my house, don't be surprised if I stand there with a shotgun barring the way.

--

Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can  
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

"Science is all in the public domain, and allows few secrets."

-- Tom Clancy, \_The Sum of All Fears\_

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Date: 7 Jan 1993 16:59:06 GMT

From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1id41aINNqlq@transfer.stratus.com>, <8359@lib.tmc.edu>,

<1993Jan7.033238.29721@ke4zv.uucp>p

Subject : Re: Closed repeaters

In article <1993Jan7.033238.29721@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)  
writes:

>>Tough. They got there first, way back when they were told to put there closed  
>>boxes on 440 in the first place. They did what they were told. Now you want to  
>>take it all away from them.

>Seniority only counts in union shops Jay. Everyone else has to justify  
>their existance every day.

OK, so come up with an objectively verifiable method for coordination that  
does not include value judgments. Anything else generates income for lawyers.

--

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jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

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Date: 7 Jan 1993 17:05:27 GMT

From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1993Jan5.231300.22346@ke4zv.uucp>, <8360@lib.tmc.edu>,

<1993Jan7.052814.461@ke4zv.uucp>

Subject : Re: Closed repeaters

In article <1993Jan7.052814.461@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman) writes:  
>The FCC accepts voluntary coordination as evidence that the repeater owner  
>showed willingness to cooperate with other repeater owners in \*sharing\*  
>the spectrum at one time. They don't see it as prima facia evidence that  
>one amateur has ownership rights in a given frequency.

Even so, if an uncoordinated repeater gets on the same frequency as a coordinated repeater and causes interference, the uncoordinated repeater loses, even if it was transmitting first. The coordinated repeater, therefore, has the right to operate on that frequency without interference.

>Coordinators have \*no\* legal standing to grant exclusive use of frequencies.  
>If they wish to \*presume\* that responsibility in contravention of 97.101(b),  
>then I'd be willing to support those who \*sue them\* to stop such illegal  
>actions. Fortunately, most responsible coordinators \*know\* they don't  
>have that legal right, and don't take actions that could be subject to  
>suit. Instead they act as advisers and negotiators between repeater owners  
>attempting to minimize mutual interference.

That wasn't what I asked. I asked if you'd pay to defend a coordinator from a lawsuit against them by someone who the coordinator had coordinated another repeater on the frequency with. The folks in this discussion have been demanding that coordinators coordinate multiple repeaters on the same channel as an existing closed repeater. Doing so WILL generate a lawsuit.

>My open 440 repeater is a coordinated repeater, "blessed" by SERA. But  
>SERA also "blessed" a link between a two meter repeater's split receive  
>and transmit sites ON MY REPEATER'S INPUT FREQUENCY. SERA failed to  
>rescind either coordination, and the 2 meter repeater owner refused to  
>move his link onto a link frequency even though I offered to pay any costs  
>involved.

In that case, SERA screwed up. Pure and simple. It was their duty to fix the screwup, and at least from where I sit (and assuming that you've stated all the relevant facts - no, I'm not calling you a liar, just noting that I haven't heard all sides of the story), they didn't.

--

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jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

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Date: 7 Jan 1993 16:45:11 GMT

From: usc!cs.utexas.edu!bcm!lib!oac.hsc.uth.tmc.edu!jmaynard@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1idghsINN1pa@transfer.stratus.com>, <8355@lib.tmc.edu>,  
<1ifo38INNqah@transfer.stratus.com>  
Subject : Re: Closed repeaters

[Followups to .policy.]

In article <1ifo38INNqah@transfer.stratus.com> leadfoot@bigbootay.sw.stratus.com  
(Mark Curtis) writes:

>Require PL/CTCSS on all machines, TX and RX, on 144, 220, and 440.  
>Add a warning that 10, 6, 900, and 1280 machines may in the future  
>require the same.

So far, so good. Some screaming will be heard, and some folks will refuse to  
go along. What then?

>Allow multiple repeaters on these low usage closed pairs.

We allow multiple repeaters on any pair, if the trustees agree.  
If you mean forcing folks to accept other repeaters on those pairs, though...

>If they scream, tough, the coordinator never owned the frequencies anyway.

OK...so what when they sue? Even if you're right, there's still the major  
expense and hassle of defending such a suit. Are you willing to pay that?

>Only coordinate high level/high power repeaters if they agree  
>to allow ANY user to use the basic repeat function of the machine.  
>They don't have to allow Phone Patch/DVR/Linking/etc., just the basic  
>TX on the input and RX on the output.

Value judgment. Again, what happens when the person sues? No coordinator is  
going to voluntarily impoverish himself; if the choice is between making a  
decision like this based on some arbitrary criterion and having to defend it  
in court, and tossing out the criterion and sticking with one that's  
objectively fair, guess which he'll do?

>Great examples of these kinds of machines here are 224.180- (KU6V) and  
>1286.0- (KJ6NN). Both of these machines have great coverage and are  
>open to all for the basic repeater function. After that if you want  
>access to more functions you have to talk to the trustee. Both are great  
>machines with very reasonable owners, too bad there aren't more people  
>like this.

That's wonderful, and I'm glad that KU6V and KJ6NN (isn't he on here?) choose  
to run their repeaters that way.

That doesn't mean that I think coordinators will be able to force others to do  
so. You apparently have an overinflated idea of the power of a coordinator;



there's not a lot there beyond saying "if you operate on this frequency, and within these limits, we won't tell anyone else to operate there, and we will tell the FCC that we told you to operate here if they ask."

>|> The folks you're now complaining about were told the exact same thing about 2  
>|> meters then: There isn't room for you on here. Go to 440 if you want to do  
>|> that.  
>|> Now that dual-band rigs are getting popular, you want to change the rules on  
>|> them. Is that fair?  
>Who said life was fair? Grow up! The coordinator at that time didn't  
>think about the future and growth. So now he has to admit he was  
>short sighted and get on with fixing the mistake. No big deal, happens  
>all the time.

No big deal to you, maybe; you won't have to defend the lawsuit that'll happen when he tries to, in your words, "fix the mistake". Have you ever been there? I have. It's not something I would go seek out, yet that's exactly what you're demanding that the coordinators do.

I agree that life isn't necessarily fair, but going out of your way to make it unfair usually isn't a good idea.

--  
Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can  
jmaynard@oac.hsc.uth.tmc.edu | adequately be explained by stupidity.

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Date: Thu, 7 Jan 1993 13:17:28 GMT  
From: usc!howland.reston.ans.net!zaphod.mps.ohio-state.edu!menudo.uh.edu!sugar!  
jreese@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <1993Jan5.165651.28417@elroy.jpl.nasa.gov>, <8333@lib.tmc.edu>,  
<1993Jan6.071002.7443@elroy.jpl.nasa.gov>  
Subject : Re: Closed repeaters

In article <1993Jan6.071002.7443@elroy.jpl.nasa.gov> laborde@oak.Jpl.Nasa.Gov  
(Gregory R. LaBorde) writes:

>Hmmmmmm.... There are many OPEN repeaters here that are often in use, forcing  
>a user to have to wait his or her turn to make a contact. There are also CLOSED  
>repeaters here on which users have to wait for other users to finish before they  
>can make a contact. It seems that those repeaters are still VERY useful. In fact  
>one of the reasons for the wait is BECAUSE they are so useful.

>

>I bet Jim's system is so busy that users do have to wait to use it. What do you  
>say, Jim?

Sometimes, but not always. As I have said before, I'm not so concerned about transient use by non-members. The problem I have is with locals who want to use the system regularly without contributing to the upkeep...or those who just want to prove a point by talking on a closed system without being a member.

>But being closed doesn't protect the repeater. CLOSED is just a label. It is  
>the restrictions to access by requiring use of codes and such that protects  
>the repeater. You could protect an open repeater that way too.

To me, all the "Closed" label means is that there are rules or procedures for membership in the group. Closed = ask before using.

--

Jim Reese, WD5IYT	"Real Texans never refer to trouble
jreese@sugar.neosoft.com	as deep doo-doo" --Molly Ivins

-----  
Date: Thu, 7 Jan 93 18:47:15 GMT  
From: walter!porthos!dancer!whs70@uunet.uu.net  
To: ham-policy@ucsd.edu

References <8355@lib.tmc.edu>, <1ifo38INNqah@transfer.stratus.com>,  
<8373@lib.tmc.edu>utexa  
Subject : Re: Closed repeaters

In article <8373@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>[Followups to .policy.]  
>In article <1ifo38INNqah@transfer.stratus.com> leadfoot@bigbootay.sw.stratus.com  
(Mark Curtis) writes:  
>>Require PL/CTCSS on all machines, TX and RX, on 144, 220, and 440.  
>>Add a warning that 10, 6, 900, and 1280 machines may in the future  
>>require the same.  
>  
>So far, so good. Some screaming will be heard, and some folks will refuse to  
>go along. What then?  
>  
>>Allow multiple repeaters on these low usage closed pairs.  
>  
>We allow multiple repeaters on any pair, if the trustees agree.  
>If you mean forcing folks to accept other repeaters on those pairs, though...  
>  
>>If they scream, tough, the coordinator never owned the frequencies anyway.  
>  
>OK...so what when they sue? Even if you're right, there's still the major

>expense and hassle of defending such a suit. Are you willing to pay that?

Well it takes money to sue also, as I don't think there are many attorneys that would take on this type of lawsuit on any type of contingency basis as there really isn't any real argument as to monetary damages. It seems to me that the best outcome that could be gained is that the court orders the coordinator to tell the other repeater operator to leave the frequency. Since by nature amateur radio is not a monetary gaining endeavor/service it'd be hard to claim any monetary loss or basis for a financial damage claim.

As to defending against such a lawsuit, there isn't a mandatory requirement that the "defendent" coordinator even hire a lawyer. He or she can defend him/herself and should certainly tell the court that this entire issue is at the minimum a federal issue as it revolves around the use of the radio spectrum and regulations of a federal agency, the FCC.

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

-----  
Bill Sohl (K2UNK) BELLCORE (Bell Communications Research, Inc.)  
Morristown, NJ email via UUCP bcr!cc!whs70  
201-829-2879 Weekdays email via Internet whs70@cc.bellcore.com  
-----

Date: Thu, 7 Jan 1993 23:19:19 GMT  
From: swrinde!zaphod.mps.ohio-state.edu!darwin.sura.net!gatech!concert!rock!  
cole@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <1993Jan04.042255.17643@ssc.com>,  
<1993Jan6.014748.12730@rock.concert.net>, <8354@lib.tmc.edu>  
Subject : Re: 430mhz band under th

In article <8354@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>[Followups to .policy.]  
>In article <1993Jan6.014748.12730@rock.concert.net> cole@concert.net (Derrick C. Cole) writes:  
>>What is a closed repeater good for, anyway? I've already passed the tests  
>>required to use the frequency, by what right do you impose further  
>>requirements/restrictions as to it's use by me? I've got some news for you:  
>>The FCC you ain't. To be honest, if ham radio is based upon openness, "good  
>>will", etc, I'm suprised the FCC allows such tripe.  
>  
>The FCC allows it, tripe or not. You'll just have to get used to the idea.

Ok, Ok. Maybe I shouldn't have used the word tripe. I guess I was allowing

my naive contempt to leak on the keyboard.

>>I am thankful that there are trustees/clubs/owners/whatever who have the money  
>>to put up repeaters, as long as they're open (I've supported several.) But  
>>the minute they go closed, I'm gone. If you want a closed repeater, get a  
>>commercial license and sell connections. Or better yet, get a car phone. The  
>>rest of us sure could use the bandwidth.

>

>I guess, then, that you don't think that complex systems that require some  
>user education to use properly, or at all, should take steps to prevent folks  
>from just coming on at random and punching buttons? You would require linked  
>systems stretching from Houston to San Francisco to put up with inane jabber  
>from every ham in between? I'm glad the FCC doesn't agree with you.

I fail to see your point clearly. Do you mean that the random button-pusher could link Houston and San Francisco? Wow. If that's the case, please allow me to point out the obvious conclusions: 1) the repeater isn't worth jack in the security department, and/or 2) the administrator doesn't have the slightest idea what s/he is doing, which implies s/he shouldn't have the responsibility, anyway. Let the trustee beware.

I think, however, you've missed my point (my original intent, anyway.) I am not against complex repeater systems (although I fail to see the advantage of a system that can retask satellites...) I am certainly for user education of such systems. I am vehemently against those repeater owners/whatevers who would close a repeater to a select group of friends under the veil of "Danger: Do Not Enter. Complex System Ahead" and cry foul when challenged. That kind of situation is nothing more than a clique. It ranks right up there with hams monopolizing "their" frequency on HF. It certainly has no place in amateur radio, as all it accomplishes is the further inflation of egos, the segregation of operators, and the erosion of precious bandwidth.

Another small point. Amateur radio is by definition a HOBBY. Ham radio is not nor will it ever be AT&T, or even the Internet. If you want to treat amateur radio as the hobby it is (and believe it or not, there are those who do), great! The HOBBY needs you to survive! If you want to run a monopolistic telecommunications company, open your own business.

73 de KC4WEJ,  
Derrick

--

"3. Blinking light on dashboard reads 'get out of car now!'"

-- Top Ten Signs You've Bought A Bad Car

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Derrick Cole

KC4WEJ

MCNC Center for Communications

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Date: Fri, 8 Jan 1993 00:25:15 GMT  
From: sdd.hp.com!elroy.jpl.nasa.gov!oak!laborde@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <8334@lib.tmc.edu>, <1993Jan6.003309.21734@elroy.jpl.nasa.gov>,  
<8361@lib.tmc.edu>  
Subject : Re: Closed repeaters

Jay, K5ZC, keeps referring to those who plan to key closed repeaters and talk on closed repeaters' frequencies to prevent their use. He posts as if there have been posters who state they plan to do this. Have there been any posts proposing this? I thought we were talking about rights, rather than actually doing anything anti-social. I realize that operators and users of closed repeaters feel their security and comfort to be threatened by the fact that their exclusive use of the frequencies is not in fact protected by law, but I contend that the "closed repeater" label provides false security because anyone intent on being a nuisance is not likely to abide by such restrictions anyway. Someone, I think maybe Tad (Hi Tad!), asked how LA repeater owners have been able to deal with miscreants. I think he intended this to support his idea that closed repeaters do in fact own the frequencies they're on. I think he might find my blanket-party idea, combined with the skills of a T-hunter, to be more along the line of the protection used.

If we are going to continue on this tedious thread, why don't we focus on the issue of frequency ownership rather than unauthorized use of complex equipment which I do not believe anyone has proposed anyway?

Come on, Jay, I think you have seen it enough times to understand that no one is arguing that the owner of a repeater has the right to restrict use of his or her equipment. Why do you keep bringing that up?

-grl.  
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Date: Fri, 8 Jan 1993 00:44:51 GMT  
From: usc!elroy.jpl.nasa.gov!oak!laborde@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <8356@lib.tmc.edu>, <a6yr=5-@dixie.com>, <8378@lib.tmc.edu>  
Subject : Re: Closed repeaters

In article <8378@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>  
>The problem is that they're demanding that I leave the freeway behind when I  
>leave. I put all this work in to it, and in return you tell me to go away and

>leave my hard work behind? I think not.  
>

At this point, I have GOT to believe that you are deliberately misunderstanding to prolong this argument. I know the feeling, I thnk it keeps me from killing my Project Manager sometimes. It has been stated over and over and OVER that no one is reuiring you to let them use your EQUIPMENT. You ALWAYS have the right to turn it off.

-grl.  
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Date: Fri, 8 Jan 1993 00:37:40 GMT  
From: elroy.jpl.nasa.gov!oak!laborde@uunet.uu.net  
To: ham-policy@ucsd.edu

References <8337@lib.tmc.edu>, <C0GrGH.EL8@iat.holonet.net>, <8375@lib.tmc.edu>aen  
Subject : Re: Closed Repeaters.

In article <8375@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>  
>>Just what is the difference between open and closed repeaters anyway?  
>>I have heard more closed minds on open repeaters than closed repeaters.  
>  
>There sure are a lot of closed minds in this discussion...  
>--

If I don't agree with you, then my mind is closed, is that it?

I liked your complaint about changing the rules of the game in the middle. I used to live in Houston (14 years), and I know it is not Oz. It is on Earth. What about those people whose houses were where the Beltway is now? What about those whose homes are still next to it? What about hose who moved out into the country for peace and quiet near where Intercontinental Airport is now? You are free to express that you don't like the fact that life isn't fair, but that will not make it so. If you can gather enough support for your position then you may be able to change the situation (like our lawmakers care about the amateur service) and have your present opponents whining about unfairness, but until then you just have to live with it. Fact is, I bet your repeater(s) don't get very much interference, and what it does get is done by people who aren't going to stop of they are convinced you own the frequencies (which you don't).

Nothing personal,

-grl.  
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P.S. I hear more closed minds on open repeaters too. I never hear very much on closed repeaters.

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Date: 8 Jan 1993 00:51:00 GMT  
From: noc.near.net!transfer.stratus.com!bigbootay.sw.stratus.com!  
leadfoot@uunet.uu.net  
To: ham-policy@ucsd.edu

References <8355@lib.tmc.edu>, <1ifo38INNqah@transfer.stratus.com>,  
<8373@lib.tmc.edu>  
Subject : Re: Closed repeaters

In article <8373@lib.tmc.edu>, jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:

|> [Followups to .policy.]

|> In article <1ifo38INNqah@transfer.stratus.com>

leadfoot@bigbootay.sw.stratus.com (Mark Curtis) writes:

|> >Require PL/CTCSS on all machines, TX and RX, on 144, 220, and 440.

|> >Add a warning that 10, 6, 900, and 1280 machines may in the future

|> >require the same.

|>

|> So far, so good. Some screaming will be heard, and some folks will refuse to

|> go along. What then?

Give them a year to add PL/CTCSS and if it isn't done by then  
drop the pair into the available folder. Use it or lose it.

|> >Allow multiple repeaters on these low usage closed pairs.

|>

|> We allow multiple repeaters on any pair, if the trustees agree.

|> If you mean forcing folks to accept other repeaters on those pairs, though...

Sure. They aren't going to spend any money or time adding PL/CTCSS so  
they can share without a little push. It is basic human nature, most  
people aren't going to do anything that costs them time/money when  
all it is going to do is help out the common good. Note I did say  
most, not all.

|> >If they scream, tough, the coordinator never owned the frequencies anyway.

|>

|> OK...so what when they sue? Even if you're right, there's still the major

|> expense and hassle of defending such a suit. Are you willing to pay that?

This whole bit about suing over pairs is silly. It isn't like the  
coordinator has a legal ownership or god given right give away  
pairs. It's all a voluntary, and hopefully non-commercial, agreement.

|> That doesn't mean that I think coordinators will be able to force others to do  
|> so. You apparently have an overinflated idea of the power of a coordinator;  
|> there's not a lot there beyond saying "if you operate on this frequency, and  
|> within these limits, we won't tell anyone else to operate there, and we will  
|> tell the FCC that we told you to operate here if they ask."

I never said they were gods or legally binding. The whole thing is voluntary, if they don't want to play by the new rules they can drop out of the game. This is a hobby not a business.

|> I agree that life isn't necessarily fair, but going out of your way to make it  
|> unfair usually isn't a good idea.

There isn't anything unfair about it. Times change and so do the rules of getting along. As more people become hams and start using the same old bandwidth, less now after 220-222, it's going to get more crowded. People are going to have to share the available frequencies. The old systems which wasted space are going to have to be changed to make better use of a limited resource. Much like the SW broadcasters are going to have to move to SSB, AM is just too wasteful. It was cool at the time, but times have changed.

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Date: Fri, 8 Jan 1993 01:55:01 GMT  
From: swrinde!emory!wa4mei!ke4zv!gary@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <8333@lib.tmc.edu>, <1993Jan5.231300.22346@ke4zv.uucp>,  
<C0HJ8M.57L@NeoSoft.com>  
Reply-To : gary@ke4zv.UUCP (Gary Coffman)  
Subject : Re: Closed repeaters

In article <C0HJ8M.57L@NeoSoft.com> jreese@NeoSoft.com (Jim Reese) writes:  
>In article <1993Jan5.231300.22346@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)  
writes:  
>>Sorry, coordinators have no legal right to make this promise to keep  
>>everyone else away.  
>  
>You are correct. That's the catch 22 in the situation.  
[deleted]  
>It's just like transmitting simplex on somebody's input frequency...it's legal  
>to put on a un-coordinated repeater...it's just pretty rude.

Yep, absolutely right.

Gary



--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				emory!ke4zv!gary@gatech.edu

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Date: Fri, 8 Jan 1993 02:01:33 GMT  
From: swrinde!emory!wa4mei!ke4zv!gary@network.UCSD.EDU  
To: ham-policy@ucsd.edu

References <8359@lib.tmc.edu>, <1993Jan7.033238.29721@ke4zv.uucp>,  
<8376@lib.tmc.edu>  
Reply-To : gary@ke4zv.UUCP (Gary Coffman)  
Subject : Re: Closed repeaters

In article <8376@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>In article <1993Jan7.033238.29721@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)  
writes:  
>>>Tough. They got there first, way back when they were told to put there closed  
>>>boxes on 440 in the first place. They did what they were told. Now you want to  
>>>take it all away from them.  
>>Seniority only counts in union shops Jay. Everyone else has to justify  
>>their existance every day.  
>  
>OK, so come up with an objectively verifiable method for coordination that  
>does not include value judgments. Anything else generates income for lawyers.

Ok, since we're being silly, make it rule number one that anyone who  
even mentions a lawyer, much less hires one, never gets a coordination.  
If they don't like that, they can start their own coordination body  
and coordinate themselves. The FCC won't mind. They've refused to  
give exclusive recognition to any coordinating body.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				emory!ke4zv!gary@gatech.edu

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Date: Fri, 8 Jan 1993 02:14:32 GMT  
From: swrinde!emory!wa4mei!ke4zv!gary@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <8360@lib.tmc.edu>, <1993Jan7.052814.461@ke4zv.uucp>,  
<8377@lib.tmc.edu>

Reply-To : gary@ke4zv.UUCP (Gary Coffman)

Subject : Re: Closed repeaters

In article <8377@lib.tmc.edu> jmaynard@oac.hsc.uth.tmc.edu (Jay Maynard) writes:  
>In article <1993Jan7.052814.461@ke4zv.uucp> gary@ke4zv.UUCP (Gary Coffman)  
writes:

>>The FCC accepts voluntary coordination as evidence that the repeater owner  
>>showed willingness to cooperate with other repeater owners in \*sharing\*  
>>the spectrum at one time. They don't see it as prima facia evidence that  
>>one amateur has ownership rights in a given frequency.

>

>Even so, if an uncoordinated repeater gets on the same frequency as a  
>coordinated repeater and causes interference, the uncoordinated repeater  
>loses, even if it was transmitting first. The coordinated repeater, therefore,  
>has the right to operate on that frequency without interference.

No he does not. The FCC says that the uncoordinated repeater owner must  
bear \*primary\* responsibility for ameliorating the problem. They will  
accept PL, anti-PL, antenna pattern adjustments, or any other widely  
accepted channel sharing method as a solution to the problem. Never  
do they demand as the only solution the granting of exclusive use to  
any repeater owner. That would be a violation of their own rules.

>>Coordinators have \*no\* legal standing to grant exclusive use of frequencies.  
>>If they wish to \*presume\* that responsibility in contravention of 97.101(b),  
>>then I'd be willing to support those who \*sue them\* to stop such illegal  
>>actions. Fortunately, most responsible coordinators \*know\* they don't  
>>have that legal right, and don't take actions that could be subject to  
>>suit. Instead they act as advisers and negotiators between repeater owners  
>>attempting to minimize mutual interference.

>

>That wasn't what I asked. I asked if you'd pay to defend a coordinator from a  
>lawsuit against them by someone who the coordinator had coordinated another  
>repeater on the frequency with. The folks in this discussion have been  
>demanding that coordinators coordinate multiple repeaters on the same channel  
>as an existing closed repeater. Doing so WILL generate a lawsuit.

Then they will lose. 97.101(b) is clear. The coordinator does not have  
the \*authority\* to grant exclusive use. In Georgia, such frivolous suits  
require the filer to pay all fees and costs, \*and\* double costs as damages.

>>My open 440 repeater is a coordinated repeater, "blessed" by SERA. But  
>>SERA also "blessed" a link between a two meter repeater's split receive  
>>and transmit sites ON MY REPEATER'S INPUT FREQUENCY. SERA failed to

>>rescind either coordination, and the 2 meter repeater owner refused to  
>>move his link onto a link frequency even though I offered to pay any costs  
>>involved.

>

>In that case, SERA screwed up. Pure and simple. It was their duty to fix the  
>screwup, and at least from where I sit (and assuming that you've stated all  
>the relevant facts - no, I'm not calling you a liar, just noting that I  
>haven't heard all sides of the story), they didn't.

Sure they screwed up. Such things happen, their database isn't well  
maintained and volunteer coordinators change regularly. Just because  
they made a mistake in their voluntary activities doesn't give me grounds  
to sue, however. I *could* file an interference complaint with the FCC  
against the link owner, but the FCC would just say "figure out a way to  
share." So I just cut to the chase and figured out a technical solution  
and saved myself a lot of pointless legal hassles.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				emory!ke4zv!gary@gatech.edu

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End of Ham-Policy Digest V93 #8

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